



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES E. JOHNSON
Corporation Counsel

KATHLEEN D. REILLY
Assistant Corporation Counsel
Phone: (212) 356-2663
Fax: (212) 356-3558
Email: kareilly@law.nyc.gov

December 1, 2020

BY ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Wickenson Demaitre v. City of New York, et al.
18 Civ. 12403 (PGG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney for defendants City of New York ("City") and Investigator Richard Askin ("defendants") in the above referenced matter. Defendants write respectfully to request a thirty-one (31) day extension of time, from December 8, 2020 to January 8, 2021, for defendants to serve their opposition to plaintiff's motion for leave to file a second amended complaint, and a corresponding extension of time, from December 15, 2020 to January 29, 2021, for plaintiff to serve his reply papers. This is defendants' first such request, and plaintiff's counsel, Sandra Parker, consents to this request.

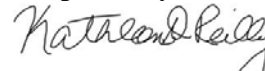
By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983, in which plaintiff alleges claims of malicious prosecution, Equal Protection, conspiracy, and municipal liability against defendants Askin and City. (ECF No. 8.) On October 28, 2019, defendants moved to dismiss plaintiff's amended complaint, pursuant to Rule 12 of the Federal Rules of Civil Procedure.¹ (ECF Nos. 35-37.) On October 11, 2020, the Court granted defendants' motion in its entirety; however, the Court permitted plaintiff to move for leave to amend his complaint by October 22, 2020. (ECF No. 42.) On October 14, 2020, plaintiff moved for an extension of time to serve his motion to amend. (ECF No. 43.) On October 15, 2020, the Court granted plaintiff's request, allowing plaintiff until November 24, 2020 to serve his motion. (ECF No. 44.) Thereafter, on November 24, 2020, plaintiff served his motion for leave to amend on defendants.

¹ In accordance with § IV(C) of Your Honor's Individual Rules of Practice, defendants' motion was served on plaintiff on October 28, 2019 but not filed until December 20, 2019.

Defendants respectfully submit that an extension of time to serve their opposition papers is warranted. Pursuant to Local Civil Rule 6.1(b), defendants' opposition papers are currently due to be served on plaintiff on December 8, 2020, fourteen (14) days after service of the moving papers. The recent Thanksgiving holiday weekend, however, accounted for several of these days. In addition, the undersigned has a number of deadlines and scheduling issues during the first few weeks of December, including four depositions, five Court conferences, and a significant amount of discovery in other matters. Accordingly, in order to allow defendants sufficient time to fully address the issues set forth in plaintiff's motion and to also account for the upcoming holidays, defendants respectfully request the Court grant an extension of time, from December 8, 2020 to January 8, 2021, for defendants to serve their opposition to plaintiff's motion for leave to file a second amended complaint. Defendants further request a corresponding extension of time, from December 15, 2020 to January 29, 2021, for plaintiff to serve his reply papers.

Defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,



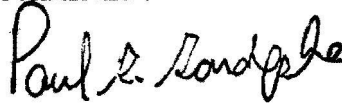
Kathleen D. Reilly
Assistant Corporation Counsel

cc: **By ECF**
Sandra Parker, Esq., *Attorney for Plaintiff*

MEMO ENDORSED

Defendants' response to Plaintiff's motion to amend the complaint is due January 8, 2021. Plaintiff's reply, if any, is due January 22, 2021.

SO ORDERED.



Paul G. Gardephe
United States District Judge

December 2, 2020